

REMARKS

This is a response to the Office Action mailed September 7, 2005.

- Claims 38 and 40-43 are pending in the application.
- Claims 32-63 have been rejected by the Examiner.
- Claim 38 has been amended.
- Claims 32-37, 39, and 44-64 have been canceled.
- Claims 1-31 have been previously canceled.

Drawings

The Examiner has objected to the drawings under 37 CFR § 1.83(a). The Examiner stated that “the stent having a strip must be shown or the feature(s) canceled from the claim(s).” The Examiner indicated that “the added material which is not supported by the original disclosure is as follows: a stent comprising a strip.” Claim 32 recites the feature “a drug delivery stent ... comprising: ... a strip.” Applicant has canceled claim 32 and claims dependent thereon. Applicant respectfully requests removal of the objection. However, applicant does not acquiesce to the Examiner's objection and reserves the right to specifically address it in the future should the duty to do so arise.

Claim Rejections – 35 U.S.C. § 112

The Examiner has rejected claims 32-37 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 32-37 have been canceled. Applicant does not acquiesce to the Examiner's rejection and reserves the right to specifically address it in the future should the duty to do so arise.

Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected Claims 32-38 and 40-43 under 35 U.S.C. §102(e) as being anticipated by Calcote (U.S. Patent Number 6,355,063). Applicant respectfully disagrees.

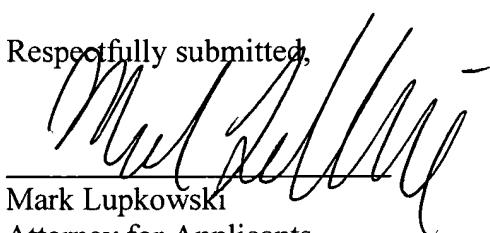
In section 9 of the Office Action the Examiner indicated that claim 39 “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” Claim 39 depends from claim 38. Claim 39 has been canceled and claim 38 has been amended to include all of the features of claim 39. Calcote does not teach or suggest the features of claim 39. Therefore, claim 38 is patentably allowable. Claims 40-43 depend from claim 38 and are allowable for at least the same reason that claim 38 is allowable. Applicant respectfully requests removal of the rejection of claims 38 and 40-43.

As indicated above, claims 32-37 and 39 have been canceled.

CONCLUSION

Claims 38 and 40-43 are pending in this application. Applicant has placed the claims in condition for allowance as indicated by the Examiner. Examination and allowance of the claims are respectfully requested. If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 954-0297.

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Respectfully submitted,


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